

# SENATE, No. 3123

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED AUGUST 10, 2015

**Sponsored by:**

**Senator DIANE B. ALLEN**

**District 7 (Burlington)**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

**SYNOPSIS**

Requires inspection of nail salons by NJ State Board of Cosmetology and Hairstyling.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT requiring inspection of certain licensed shops by the New  
2 Jersey State Board of Cosmetology and Hairstyling, and  
3 amending and supplementing P.L.1984, c.205.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Section 6 of P.L.1984, c.205 (C.45:5B-6) is amended to read  
9 as follows:

10 6. The board shall:

11 a. Review the qualifications of applicants for licensure;

12 b. Devise examinations for licensure which include practical  
13 and written portions;

14 c. Administer and grade examinations or employ competent  
15 examiners to administer and grade examinations but in no case shall  
16 the board permit a person having any affiliation with a licensed  
17 school to examine or grade an applicant who has been a registered  
18 student at the school with which the examiner has an affiliation;

19 d. Issue and renew licenses of any cosmetologist-hairstylist,  
20 beautician, barber, manicurist, skin care specialist, teacher, shop, or  
21 school;

22 e. Issue student permits to senior students, which permits shall  
23 remain valid during the period that the student is registered at a  
24 licensed school or enrolled in an approved vocational training  
25 program;

26 f. Issue temporary permits to applicants for licensure who are  
27 awaiting scheduling for or results from an examination;

28 g. Issue registration cards to registered students;

29 h. Suspend, revoke or refuse to renew a license and exercise  
30 investigative powers pursuant to the provisions of P.L.1978, c.73  
31 (C.45:1-14 et seq.);

32 i. Appoint and employ an executive director and an assistant  
33 executive director subject to the approval of the Attorney General,  
34 and other employees as necessary to carry out the provisions of  
35 **[this act]** P.L.1984, c.205 (C.45:5B-1 et seq.);

36 j. Determine the duties that the executive director and the  
37 assistant executive director shall perform;

38 k. File with the Attorney General a petition to remove any  
39 executive director or assistant executive director for cause, which  
40 petition shall be acted upon by the Attorney General in a manner  
41 which he deems appropriate;

42 l. Establish fees for initial licensure, permits, renewals and  
43 restoration of licenses as well as for duplication of lost licenses  
44 pursuant to section 2 of P.L.1974, c.46 (C.45:1-3.2);

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 m. Maintain records of all practicing licensees and all licensed  
2 teachers. Records shall include the latest work address of each  
3 licensee, as provided on applications for licensure and renewals  
4 thereof;
- 5 n. Maintain a record of all registered students and all persons  
6 holding student permits;
- 7 o. Maintain a record of all shops licensed by the board to offer  
8 one or more of the services encompassed within the definition of  
9 cosmetology and hairstyling;
- 10 p. Maintain a record of all schools licensed by the board to  
11 offer courses of instruction or training in the practice and theory of  
12 cosmetology and hairstyling, beauty culture, barbering, manicuring  
13 and skin care specialty to registered students, which courses shall  
14 be approved by the board for the awarding of credit for licensure;
- 15 q. Make available for public inspection all records required to  
16 be kept pursuant to this section;
- 17 r. Promulgate regulations governing the practice and teaching  
18 of cosmetology and hairstyling, beauty culture, barbering,  
19 manicuring and skin care specialty as are necessary to implement  
20 this act and to insure that cosmetology and hairstyling services and  
21 instruction in those services are being offered both in a manner  
22 which is sanitary and safe and in a manner which is not intended to  
23 deceive or mislead the general public;
- 24 s. Promulgate regulations governing the conduct of shops and  
25 schools as are necessary to implement **【this act】** P.L.1984, c.205  
26 (C.45:5B-1 et seq.) and to assure that cosmetology and hairstyling  
27 services and instruction in those services are being offered both in a  
28 manner that is sanitary and safe, and in a manner not intended to  
29 deceive or mislead the general public, students of the schools, or  
30 organizations awarding financial aid to the students and to clarify or  
31 define any term used in **【the act】** P.L.1984, c.205 (C.45:5B-1 et  
32 seq.) and to define any activity included in hairstyling and  
33 cosmetology, beauty culture, barbering, manicuring and skin care  
34 specialty;
- 35 t. Review curricula offered by licensed schools in courses of  
36 instruction offered to registered students and approve those  
37 curricula which offer comprehensive training in cosmetology and  
38 hairstyling, beauty culture, barbering, manicuring and skin care  
39 specialty;
- 40 u. Direct the conduct of inspections or investigations of all  
41 licensed shops and schools, including the inspection of licensed  
42 shops that offer manicuring services as required pursuant to section  
43 2 of P.L. , c. (C. ) (pending before the Legislature as this bill);
- 44 v. Direct the conduct of inspections or investigations of any  
45 premises from which the board may have reason to believe that  
46 cosmetology and hairstyling, beauty culture, barbering, manicuring  
47 and skin care specialty services are being offered, or that courses of  
48 instruction are being offered to registered students; **【and】**

1 w. Establish criteria and standards for education and experience  
2 required for licensure;

3 x. Require, and promulgate regulations concerning, the use of  
4 personal protective equipment by a manicurist, a senior student that  
5 performs or renders manicuring services, and any other person  
6 employed by the owner of a licensed shop that offers manicuring  
7 services. The personal protective equipment shall include, but not  
8 be limited to: gloves, face masks, goggles, and ventilating fans or  
9 other ventilation systems. The personal protective equipment shall  
10 be used any time a manicurist, senior student, or other person  
11 employed by the owner of a licensed shop that offers manicuring  
12 services is using or working with harmful substances, including, but  
13 not limited to: acetone, dibutyl phthalate, toluene, or formaldehyde;  
14 and

15 y. Require the owner of a licensed shop that offers manicuring  
16 services to post a highly visible and conspicuously placed notice  
17 informing every manicurist, senior student that performs or renders  
18 manicuring services, and any other person employed by the owner  
19 of the licensed shop of the rights provided under P.L.1984, c.205  
20 (C.45:5B-1 et seq.), the “New Jersey State Wage and Hour Law,”  
21 P.L.1966, c.113 (C.34:11-56a et seq.), and P.L.1965, c.173  
22 (C.34:11-4.1 et seq.). The notice shall be available in multiple  
23 languages so that it is accessible to persons with limited English  
24 proficiency. The notice shall include telephone numbers for  
25 persons to report complaints to representatives of the board and  
26 representatives of the Department of Labor and Workforce  
27 Development. The board, in consultation with the Department of  
28 Labor and Workforce Development, shall promulgate regulations  
29 concerning the posting and content of the notice, and the languages  
30 in which the notice will be made available.

31 (cf: P.L.2009, c.162, s.4)

32  
33 2. (New section) a. The board shall conduct a random  
34 inspection of five percent of the licensed shops that offer  
35 manicuring services, on an annual basis, for purposes of enforcing  
36 the provisions of the “Cosmetology and Hairstyling Act of 1984,”  
37 P.L.1984, c.205 (C.45:5B-1 et seq.). The board shall assess a fee  
38 on the owner of the licensed shop being inspected in an amount not  
39 to exceed the cost of the inspection. The inspection shall consist of  
40 an on-site visit to a licensed shop to:

41 (1) verify that any manicurist, senior student that performs or  
42 renders manicuring services, or other person employed by the  
43 owner of the licensed shop is using the personal protective  
44 equipment required pursuant to subsection x. of section 6 of  
45 P.L.1984, c.205 (C.45:5B-6);

46 (2) verify that any person performing or rendering manicuring  
47 services in the licensed shop is licensed by the board and is

1 displaying the license in the manner required pursuant to P.L.1984,  
2 c.205 (C.45:5B-1 et seq.);

3 (3) verify that the license of the licensed shop is displayed in the  
4 manner required pursuant to P.L.1984, c.205 (C.45:5B-1 et seq.);

5 (4) interview every manicurist, senior student that performs or  
6 renders manicuring services, and any other person employed by the  
7 owner of the licensed shop with respect to the wage and hour  
8 practices of the owner of the licensed shop and notify the  
9 Department of Labor and Workforce Development of any suspected  
10 violations of the "New Jersey State Wage and Hour Law,"  
11 P.L.1966, c.113 (C.34:11-56a et seq.) or P.L.1965, c.173 (C.34:11-  
12 4.1 et seq.);

13 (5) inform every manicurist, senior student that performs or  
14 renders manicuring services, and any other person employed by the  
15 owner of the licensed shop of their rights under P.L.1984, c.205  
16 (C.45:5B-1 et seq.), P.L.1966, c.113 (C.34:11-56a et seq.), and  
17 P.L.1965, c.173 (C.34:11-4.1 et seq.);

18 (6) verify that the notice of rights is posted in a highly visible  
19 and conspicuous place as required pursuant to subsection y. of  
20 section 6 of P.L.1984, c.205 (C.45:5B-6);

21 (7) cite the owner of the shop for any violations of P.L.1984,  
22 c.205 (C.45:5B-1 et seq.); and

23 (8) obtain any other information as is reasonably necessary for  
24 the administration and enforcement of P.L.1984, c.205 (C.45:5B-1  
25 et seq.) or P.L. , c. (C. ) (pending before the Legislature as this  
26 bill).

27 b. Upon an inspection resulting in the determination of a  
28 violation of any provision of P.L.1984, c.205 (C.45:5B-1 et seq.) by  
29 the owner of a licensed shop that offers manicuring services, the  
30 license of the owner of the licensed shop shall be suspended for a  
31 period of up to one week, as determined by the board.

32  
33 3. This act shall take effect immediately.  
34  
35

#### 36 STATEMENT 37

38 This bill requires the New Jersey State Board of Cosmetology  
39 and Hairstyling to enforce safety and health standards for persons  
40 working in licensed shops that provide manicuring services,  
41 commonly referred to as "nail salons." The bill also directs the  
42 board to conduct inspections of nail salons for purposes of  
43 enforcing the provisions of the "Cosmetology and Hairstyling Act  
44 of 1984," P.L.1984, c.205 (C.45:5B-1 et seq.) and the provisions of  
45 this bill.

46 The bill amends the "Cosmetology and Hairstyling Act of 1984"  
47 to require the use of personal protective equipment by any  
48 manicurist, senior student that performs or renders manicuring

1 services, and person employed by the owner of a nail salon. The  
2 personal protective equipment must include, but is not limited to,  
3 gloves, face masks, goggles, or ventilating fans or other ventilation  
4 systems. The personal protective equipment must be used at any  
5 time the manicurist, senior student, or person employed by the  
6 owner of the nail salon is using or working with harmful  
7 substances, including but not limited to acetone, dibutyl phthalate,  
8 toluene, or formaldehyde.

9 The bill also requires the owner of a nail salon to post a highly  
10 visible and conspicuously placed notice informing every manicurist,  
11 senior student, and person employed by the owner of the nail salon  
12 of the rights provided under the “Cosmetology and Hairstyling Act  
13 of 1984,” the “New Jersey State Wage and Hour Law,” and the  
14 State’s wage payment law. The notice must be available in multiple  
15 languages so that it is accessible to persons with limited English  
16 proficiency. The notice will also include telephone numbers for  
17 representatives of the board and representatives of the Department  
18 of Labor and Workforce Development to report complaints. The  
19 board, in consultation with the Department of Labor and Workforce  
20 Development, must promulgate regulations concerning the posting  
21 and content of the notice, and the languages in which the notice will  
22 be made available.

23 The bill requires the board to conduct a random inspection of  
24 five percent of nail salons, on an annual basis, for purposes of  
25 enforcing the provisions of the “Cosmetology and Hairstyling Act  
26 of 1984.” The board will assess a fee on the owner of the nail salon  
27 being inspected in an amount not to exceed the cost of the  
28 inspection. The inspection will consist of an on-site visit to a nail  
29 salon to:

30 (1) verify that any manicurist, senior student that performs or  
31 renders manicuring services, or person employed by the owner of  
32 the nail salon is using the personal protective equipment required  
33 under this bill;

34 (2) verify that any person performing or rendering manicuring  
35 services in the nail salon is licensed by the board and is displaying  
36 the license in the manner required;

37 (3) verify that the license of the nail salon is displayed in the  
38 manner required;

39 (4) interview every manicurist, senior student that performs or  
40 renders manicuring services, and person employed by the owner of  
41 the nail salon with respect to the wage and hour practices of the  
42 owner and notify the Department of Labor and Workforce  
43 Development of suspected violations of the “New Jersey State  
44 Wage and Hour Law” and the State’s wage payment law;

45 (5) inform every manicurist, senior student that performs or  
46 renders manicuring services, and person employed by the owner of  
47 the nail salon of their rights under the “Cosmetology and

1     Hairstyling Act of 1984,” the “New Jersey State Wage and Hour  
2     Law,’ and the State’s wage payment law;  
3     (6) verify that the notice of rights is posted in a highly visible  
4     and conspicuous place as required under this bill;  
5     (7) cite the owner of the shop for any violations of the  
6     “Cosmetology and Hairstyling Act of 1984”; and  
7     (8) obtain any other information as is reasonably necessary for  
8     the administration and enforcement of the “Cosmetology and  
9     Hairstyling Act of 1984” and the provisions of this bill.  
10    Finally, upon an inspection resulting in the determination of a  
11    violation of any provision of the “Cosmetology and Hairstyling Act  
12    of 1984” by the owner of a nail salon, the license of the owner of  
13    the nail salon will be suspended for a period of up to one week, as  
14    determined by the board.